

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ASIL L. HUBLEY,

Plaintiff,

v.

SPOKANE COUNTY JAIL,

Defendant.

NO: 2:16-CV-360-RMP

ORDER DISMISSING ACTION

By Order filed January 3, 2017, the Court directed Plaintiff, a prisoner at the Spokane County Jail, to show cause why he should be granted leave to proceed *in forma pauperis* in this action, ECF No. 8. The letter addressed to To Whom It May Concern, dated December 30, 2016, and received on January 5, 2017, ECF No. 9, is not responsive to the Court's Order.

Plaintiff does not refute the finding that he has filed three or more actions, while incarcerated, which were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. *See* 2:15-cv-00350-SMJ; 2:16-cv-00058-RMP; and 2:16-cv-00178-RMP. Plaintiff has presented no facts from which the Court could infer that he is under imminent danger of serious physical

1 injury. Consequently, Plaintiff is not eligible to proceed *in forma pauperis* under
2 28 U.S.C. § 1915(g). *See O’Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008);
3 *Andrews v. King*, 398 F.3d 1113, 1116 n. 1 (9th Cir.2005) (noting the “three
4 strikes” terminology).

5 Therefore, **IT IS ORDERED** that Plaintiff’s application to proceed *in forma*
6 *pauperis*, ECF No. 2, is **DENIED**. Because Plaintiff did not pay the \$400.00 fee
7 (\$350.00 filing fee plus \$50.00 administration fee) as instructed in the Court’s
8 prior Order, **IT IS FURTHER ORDERED** this action is **DISMISSED** for non-
9 payment of the filing fee as required by 28 U.S.C. § 1914.

10 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
11 enter judgment, forward a copy to Plaintiff, and close the file. The Court certifies
12 any appeal of this dismissal would not be taken in good faith.

13 **DATED** March 2, 2017.

14 s/ Rosanna Malouf Peterson
15 ROSANNA MALOUF PETERSON
16 United States District Judge
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